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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,900	03/14/2002	Ronald Vern Schauer	004448 USA P 02/CPS/IBSS	3672
32588	7590	05/03/2004	EXAMINER	
APPLIED MATERIALS, INC. 2881 SCOTT BLVD. M/S 2061 SANTA CLARA, CA 95050				
			ART UNIT	PAPER NUMBER
			3632	
DATE MAILED: 05/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

10/099,900

Applicant(s)

SCHAUER, RONALD VERN

Examiner

Naschica S Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/12/04 and 3/15/04 .
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7,10,12-15 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,10,12-15 and 17-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1/6/04 .
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_ .

### **DETAILED ACTION**

This is the second Office Action for serial number 10/099,900, Facilities Connection Bucket for pre-facilitation of wafer fabrication equipment, filed on March 14, 2003. Claims 1-7, 10, 12-15 and 17-23 are pending.

#### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,555,845 to Flynn. Regarding claims 1 and 20, Flynn discloses a box (10) comprising: a mounting mechanism (flange perpendicularly extending from the top periphery of 10), one or more mechanisms (one of the holes 30) for selectively coupling an add-on feature within the box (10), and a mechanical locating/exhaust mechanism (another of the holes 30).

Claims 1-3 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,499,473 to Ramberg. Regarding claims 1-3 and 10, Ramberg discloses a box (10) comprising: a mounting mechanism (26, 28), one or more mechanisms (36) for selectively coupling a partition (34) within the box (10), and a mechanism (30) for coupling an openable cover (20) having a mechanical locating mechanism (46) to the box (10).

Claims 1-3, 6, 7, 12, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,332,554 to McCarthy. Regarding claims 1-3, 6, 7, 12, 21

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and 22, McCarthy discloses a box (1) comprising: a mounting mechanism (30), a mechanism (8) for coupling an openable cover (7) having a tool storage mechanism (9) to the box (1), an automatic lockout tag out mechanism (15,18,19), a mechanism (see bracket in phantom outline shown attached to 13) for coupling a partition (13) within the box (1).

Claims 1, 2, 12, 13 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,028,267 to Byrne. Regarding claims 1, 2, 12 and 13, Byrne discloses a box (108) comprising: a mounting mechanism (110), a mechanism (122) for selectively coupling a partition (132) within the box (108), and a mechanism (166) for coupling an openable cover (160) and lighting (col. 1, lines 25-29) to the box (108). Regarding claim 23, the method steps of indicating a location within a fabrication facility, providing a facilities box, providing a plurality of add-on features, and specifying which add add-on feature should be coupled to the box are taught by Byrne (col. 1, lines 15-18; col. 7, lines 15-21) and are deemed to be anticipated by the functions of the structure applied above.

Claims 1, 2, 5 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,575,904 to Nagai et al. (Nagai). Regarding claims 1, 2, 5 and 19, Nagai discloses a box (1) comprising: a mounting mechanism (feet protruding from bottom surface of 1; see Fig. 1), a mechanism (6) for selectively coupling a sensor (2) and warning indicator (see claim 45) to the box.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2-4, 7, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn in view of Ramberg. With regards to claims 2-4, 7, 10, and 12, Flynn discloses the box as applied above and further teaches a partition/tool storage/document storage compartment (24), but does not teach the box including a mechanism for selectively coupling the partition/tool storage/document storage mechanism within the box (10) or an openable cover. Ramberg discloses the box as applied to claims 1-3 and 10 above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the box of Flynn to include a selective coupling mechanism (36) because one would have been motivated to provide a means for positively positioning the partition (24) as inherently taught by Ramberg as well as prevent inadvertent shifting of the partition within the box. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the box of Flynn to include a cover (20) because one would have been motivated to retain live cargo within the box when the boxes are in an unstacked configuration.

Claims 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramberg in view of U.S. Patent JP 08-323036 to Niwa et al. (Niwa). With regards to claims 14 and 17, Ramberg discloses the box as applied above but does not teach the box including a lifting mechanism. Niwa discloses a lifting mechanism (34) for

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raising or lowering a box (11) into position. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the box of Ramberg to include a lifting mechanism because one would have been motivated to provide prevent a user from having to manually lift and lower the box as taught by Niwa (see Constitution).

Claims 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy in view of U.S. Patent 4,085,987 to Vartdal. With regards to claims 15 and 18, McCarthy discloses the box as applied above but does not teach the box including a lifting mechanism. Vartdal discloses a box (11) including a lifting mechanism (28, 29, 30, 32) adapted to lift or lower an item to or from the box (11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the box of Flynn to include a lifting mechanism because one would have been motivated to provide additional mechanisms for storage of accessories as well as permit easy accessibility thereto when the cover is in an open position as inherently taught by Vartdal.

### ***Response to Arguments***

Applicant's arguments filed 2/12/04 and 3/15/04 have been fully considered but they are not persuasive. Regarding applicant's argument that none of Ramberg, Flynn, McCarthy, Byrne and Nagai teaches a mechanism for mounting the box as recited in claims 1 and 19-21, examiner respectfully disagrees. As stated in the rejections above, each reference discloses a mounting mechanism in the form of either a flange

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(comparable to mounting mechanism 309 of the present invention) or feet. In response to applicant's arguments regarding claim 23, Byrne teaches installing a facilities box within a work surface (col. 7, lines 15-21) that is commonly located within an industrial (i.e. manufacturing facility) office environment (col. 1, lines 15-18).

In response to applicant's argument that Flynn, Ramberg, Niwa and Vartdal are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. In this case, each of the above-mentioned references is pertinent to the problem of providing a receptacle that is readily adaptable and that can be used to support and/or store various objects. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Additionally, regarding applicant's argument that there is no suggestion in Flynn (alone or in view of Ramberg) or in Ramberg (alone or in view of Niwa) or McCarthy (alone or in view of Vartdal) to provide a mounting mechanism as recited in claim 1, examiner respectfully disagrees as Flynn, Ramberg and McCarthy each teach the mounting mechanism as disclosed in the rejections of

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claims 1 and 20 (Flynn), 1-3 and 10 (Ramberg), and 1-3, 6, 7, 12, 21 and 22 (McCarthy) above.

In response to applicant's argument that Flynn, Ramberg, Niwa and Vartdal are unusable within the applicant's field, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.




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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine telephone number for the Technology Center is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 872-9325.

  
Naschica S. Morrison  
Patent Examiner  
Art Unit 3632  
4/28/04



LESLIE A. BRAUN  
SUPERVISORY PATENT EXAMINER